

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 9, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-25403 - APPLICANT/OWNER: CAROLINE'S COURT, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal from the adjacent property owner of the approval by the Planning Commission of a request for a Variance to allow a retaining wall height of 15 feet where the maximum retaining wall height is six feet on the west property line, and to allow a total height of 23 feet where the maximum total height of retaining and screening walls is 12 feet on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive.

Staff finds that relief from the strict application of the height and size standard for a wall, as listed in Title 19.12.075, may be granted as the proposed wall height will not be a detriment to the public good. Therefore, approval of this Variance is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) of these parcels and the surrounding area and thus created the Centennial Hills Town Center. The Planning Commission and staff recommended approval.
07/11/07	City Council approved a Site Development Plan Review (SDR-20496) for a proposed 269,734 square-foot Commercial Center and three Special Use Permits (SUP-20497, SUP-20498, SUP-20499) for a Building and Landscape Material/Lumber Yard, Accessory Outdoor Storage, and a Restaurant with Drive Through. Planning Commission and staff recommended approval.
11/29/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #43/jm).
<i>Related Building Permits/Business Licenses</i>	
There are no active or pending building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
10/02/07	A pre-application meeting was held and elements of this application were discussed.

<i>Field Check</i>	
11/01/07	A field check was made on site. The site is currently undeveloped desert bordering US-95 frontage streets.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	23.62

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC-TC (Service Commercial Town Center)	T-C (Town Center)
North	Single Family, Detached	ML (Medium-Low Density Residential)	R-CL (Single-Family Compact-Lot)
South	Undeveloped	SC-TC (Service Commercial Town Center)	T-C (Town Center)
East	ROW (US 95)	ROW (US 95)	ROW (US 95)
West	Undeveloped	SC-TC (Service Commercial Town Center)	T-C (Town Center)
	General Retail Store	SC-TC (Service Commercial Town Center)	T-C (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The site is located on the north side of North Durango Drive approximately 288 feet west of U.S. 95 interchange. This site consists of three undeveloped parcels of land in the city's Centennial Hills Town Center plan area. In addition to this Variance request, the applicant is requesting a Tentative Map (TMP-25075) for a one-lot commercial subdivision on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive.

Pursuant to Section 19.12.075 of the Municipal Code, cross sections have been submitted for the proposed Tentative Map depicting a maximum natural grade of 2% or more. With a grade of 2% or more the Design Standards allow a maximum exposed wall height of 12 feet (a six-foot retaining wall with a six-foot screen wall). The applicant is proposing a to allow a retaining wall height of 15 feet where the maximum retaining wall height is six feet on the west property line, and to allow a total height of 23 feet where the maximum total height of retaining and screening walls is 12 feet, which requires a Variance.

Approval of this proposal is recommended as the proposed project will not negatively affect the surrounding properties.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The design and location of this retaining wall demonstrates no substantial detriment to the area as the wall retains a substantial change in grade adjacent to an interstate frontage road. Staff finds that relief from the strict application of the height and size standard for a wall, as listed in Title 19.12.075, may be granted as the proposed wall height will not be a detriment to the public good. Therefore, approval of this Variance is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT

13

SENATE DISTRICT

9

NOTICES MAILED 436 by City Clerk

APPROVALS 1

PROTESTS 3